BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

PATRICK E. TRAINER Claimant	
VS.) Docket No. 187,484
MIDWEST GRAIN PRODUCTS Respondent Self-Insured	
AND	
KANSAS WORKERS COMPENSATION FUND	}

ORDER

Respondent appeals from a June 19, 1995 Preliminary Hearing Order by Administrative Law Judge James R. Ward.

ISSUES

On appeal, request is made for the Board to review the following issues:

- (1) Whether claimant suffered an accidental injury on February 17, 1994; and
- (2) Whether the injury, if any, arose out of and in the course of employment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing and considering the entire record, the Appeals Board finds, for purposes of preliminary hearing, as follows:

- (1) The issues raised by respondent are subject to review on appeal from a Preliminary Hearing Order. K.S.A. 44-534a.
- (2) The findings by the Administrative Law Judge that claimant met with personal injury by accident arising out of and in the course of his employment with respondent on February 17, 1994 should be affirmed.

The Appeals Board finds that the Order of the Administrative Law Judge sets out findings of fact and conclusions of law in some detail and it is not necessary to repeat those herein. The findings and conclusions enumerated in the Order of the Administrative Law Judge are accurate and appropriate and the Appeals Board adopts same as its own findings and conclusions as if specifically set forth herein as to the issues raised.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the June 19, 1995 Order of Administrative Law Judge James R. Ward should be, and the same is hereby, affirmed.

IT IS SO ORDERED.	
Dated this day of Oc	ctober 1995.
	BOARD MEMBER
	BOARD MEMBER
	BOARD MEMBER

c: Daniel S. Garrity, Atchison, KS
John B. Rathmel, Overland Park, KS
J. Paul Maurin, Kansas City, KS
James R. Ward, Administrative Law Judge
Philip S. Harness, Director